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5 ANTOINE WILLIAMS,
6 Petitioner,
7 v.
8 ,
9 Respondent.

10 Case No. 24-cv-02097-JD
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**13 ORDER FOR RESPONDENT TO
14 SHOW CAUSE**

15 Re: Dkt. No. 5
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18 Antoine Williams, a state prisoner, filed a pro se petition for a writ of habeas corpus
19 pursuant to 28 U.S.C. § 2254. Petitioner was convicted in Santa Clara County, which is in this
20 district, so venue is proper here. *See* 28 U.S.C. § 2241(d).

21 **BACKGROUND**

22 A jury found petitioner guilty of aggravated sex trafficking of a minor and other related
23 crimes. *People v. Johnson*, No. H084722, 2022 WL 17986210, at *1 (Cal. Ct. App. Dec. 29,
24 2022). Petitioner was sentenced to a prison term of 15 years to life. *Id.* The California Court of
25 Appeal remanded for resentencing, but otherwise affirmed the conviction. *Id.* at 51. The
26 California Supreme Court denied review. Petition at 3.

27 **DISCUSSION**

28 **STANDARD OF REVIEW**

This Court may entertain a petition for writ of habeas corpus “in behalf of a person in
custody pursuant to the judgment of a State court only on the ground that he is in custody in
violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a); *Rose v.
Hodes*, 423 U.S. 19, 21 (1975). Habeas corpus petitions must meet heightened pleading

1 requirements. *McFarland v. Scott*, 512 U.S. 849, 856 (1994). An application for a federal writ of
2 habeas corpus filed by a prisoner who is in state custody pursuant to a judgment of a state court
3 must “specify all the grounds for relief available to the petitioner … [and] state the facts supporting
4 each ground.” Rule 2(c) of the Rules Governing § 2254 Cases, 28 U.S.C. § 2254. “[N]otice”
5 pleading is not sufficient, for the petition is expected to state facts that point to a ‘real possibility
6 of constitutional error.’” Rule 4 Advisory Committee Notes (quoting *Aubut v. Maine*, 431 F.2d
7 688, 689 (1st Cir. 1970)).

8 **LEGAL CLAIMS**

9 As grounds for federal habeas relief, petitioner asserts that: (1) trial counsel was ineffective
10 for failing to object to expert testimony that violated the California Racial Justice Act; (2) there
11 was insufficient evidence of coercion with respect to the charge of human trafficking; and (3) the
12 trial court erred in failing to instruct the jury about his good faith mistaken belief that the victim
13 was 18 years-old. Liberally construed, these claims are sufficient to require a response.

14 **CONCLUSION**

15 1. The motion to proceed in forma pauperis (Dkt. No. 5) is granted. The Clerk shall
16 substitute Warden Edward Borla as respondent because he is petitioner’s current custodian.

17 2. The Clerk shall serve by electronic mail a copy of this order on the Attorney
18 General of the State of California at SFAWTParalegals@doj.ca.gov. The Clerk also shall serve a
19 copy of this order on petitioner by regular mail. Respondent can view the petition on the
20 electronic docket (Dkt. No. 4).

21 3. Respondent shall file with the Court and serve on petitioner, within fifty-six (56)
22 days of the issuance of this order, an answer conforming in all respects to Rule 5 of the Rules
23 Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be granted.
24 Respondent shall file with the answer and serve on petitioner a copy of all portions of the state
25 trial record that have been transcribed previously and that are relevant to a determination of the
26 issues presented by the petition.

27 If petitioner wishes to respond to the answer, he shall do so by filing a traverse with the
28 Court and serving it on respondent within twenty-eight (28) days of his receipt of the answer.

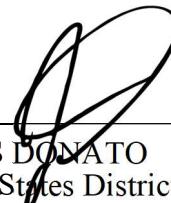
1 4. Respondent may file a motion to dismiss on procedural grounds in lieu of an
2 answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section
3 2254 Cases. If respondent files such a motion, it is due fifty-six (56) days from the date this order
4 is entered. If a motion is filed, petitioner shall file with the Court and serve on respondent an
5 opposition or statement of non-opposition within twenty-eight (28) days of receipt of the motion,
6 and respondent shall file with the Court and serve on petitioner a reply within fourteen (14) days
7 of receipt of any opposition.

8 5. Petitioner is reminded that all communications with the Court must be served on
9 respondent by mailing a true copy of the document to respondent's counsel. Petitioner must keep
10 the Court informed of any change of address and must comply with the Court's orders in a timely
11 fashion. Failure to do so may result in the dismissal of this action for failure to prosecute pursuant
12 to Federal Rule of Civil Procedure 41(b). *See Martinez v. Johnson*, 104 F.3d 769, 772 (5th Cir.
13 1997) (Rule 41(b) applicable in habeas cases).

14 **IT IS SO ORDERED.**

15 Dated: May 8, 2024

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JAMES DONATO
United States District Judge